

BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

WILLIAM D. WILLIAMS
5000 Ellsworth Place
Boulder, CO 80303,

Physical Therapist No. PT 29643,

Respondent.

Case No. 1D 2005 64150


OAH No. 2007020205

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by
the Physical Therapy Board of California, as its Decision in this matter.

This Decision shall become effective on 02/15/08.

It is so ORDERED 01/16/08.


FOR THE PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

Nancy Krueger, PT
President

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 PAUL C. AMENT
Supervising Deputy Attorney General
3 BENETH A. BROWNE, State Bar No. 202679
Deputy Attorney General
4 California Department of Justice
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-7816
6 Facsimile: (213) 897-9395
E-mail: Beneth.Browne@doj.ca.gov

7 Attorneys for Complainant

8
9 **BEFORE THE**
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

12 WILLIAM D. WILLIAMS
13 5000 Ellsworth Place
14 Boulder, CO 80303,

15 Physical Therapist No. PT 29643,

16 Respondent.

Case No. 1D 2005 64150

OAH No. 2007020205

**STIPULATED SETTLEMENT
AND DISCIPLINARY ORDER**

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
19 above-entitled proceedings that the following matters are true:

20 PARTIES

21 1. Steven K. Hartzell (Complainant) is the Executive Officer of the Physical
22 Therapy Board of California (Board). He brought this action solely in his official capacity and is
23 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,
24 by Beneth A. Browne, Deputy Attorney General.

25 2. William D. Williams (Respondent) is representing himself in this
26 proceeding and has chosen not to exercise his right to be represented by counsel.

27 3. On or about August 17, 2004, the Physical Therapy Board of California
28 issued Physical Therapist No. PT 29643 to William D. Williams (Respondent). The License was

1 in full force and effect at all times relevant to the charges brought in Accusation No. 1D 2005
2 64150 and will expire on October 31, 2007, unless renewed.

3 JURISDICTION

4 4. Accusation No. 1D 2005 64150 was filed before the Physical Therapy
5 Board of California, Department of Consumer Affairs, and is currently pending against
6 Respondent. The Accusation and all other statutorily required documents were properly served
7 on Respondent on February 21, 2006. Respondent timely filed his Notice of Defense contesting
8 the Accusation. A copy of Accusation No. 1D 2005 64150 is attached as Exhibit A and
9 incorporated herein by reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, and understands the charges and allegations
12 in Accusation No. 1D 2005 64150. Respondent has also carefully read, and fully understands the
13 effects of this Stipulated Settlement and Disciplinary Order.

14 6. Respondent is fully aware of his legal rights in this matter, including the
15 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
16 counsel at his own expense; the right to confront and cross-examine the witnesses against him;
17 the right to present evidence and to testify on his own behalf; the right to the issuance of
18 subpoenas to compel the attendance of witnesses and the production of documents; the right to
19 reconsideration and court review of an adverse decision; and all other rights accorded by the
20 California Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
22 each and every right set forth above.

23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in
25 Accusation No. 1D 2005 64150.

26 9. Respondent agrees that his Physical Therapist is subject to discipline and
27 he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary
28 Order below.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

2
3
4

5
6
7
8

5
6
7
8

0
1
2
3
4
5
6
7
8
9

0
1
2
3
4
5
6
7
8
9

21
22
23

21
22
23

24
25
26

7

8

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Respondent William Williams, holder of Physical Therapist License No. PT 29643, shall be publicly reprovved by the Physical Therapy Board of California for violating Business and Professions Code sections 498, 475, 480, and 2660, subdivisions (b) and (l) in that Respondent secured his license by knowingly misrepresenting his criminal history, a dishonest act substantially related to the qualifications of a physical therapist, as set forth in Accusation 1D 2005 64150, and shall comply with the following terms and conditions. A copy of the public reprovval is attached as Exhibit B and is incorporated here as if fully set forth.

1. COST RECOVERY The Respondent is ordered to reimburse the Board the actual and reasonable investigative and prosecutorial costs incurred by the Board in the amount of \$5,000.00. If Respondent pays \$2,500 within thirty (30) days of the effective date of this stipulation, the balance shall be forgiven. Failure to timely make the \$2,500 payment constitutes a material breach of this order and shall cause the whole amount (\$5,000.00) to be due and payable.

2. PRACTICE OR PERFORMANCE OF PHYSICAL THERAPY WHEN SUBJECT TO PUBLIC REPROVAL It is not contrary to the public interest for the Respondent to practice and/or perform physical therapy after issuance of the public reprovval. Accordingly, it is not the intent of the Board that this order or the fact that the Respondent has been publicly reprovved shall be used as the sole basis for any third party payor to remove Respondent from any list of approved providers.

3. FAILURE TO COMPLY WITH ORDER A material breach by Respondent of this order shall constitute unprofessional conduct and shall be a basis for further disciplinary action by the Board. In such circumstances, the Complainant may reinstate the Accusation in case number 1D 2005 64150, file an amended accusation and/or file a supplemental accusation alleging any material breach of this order by Respondent as unprofessional conduct.

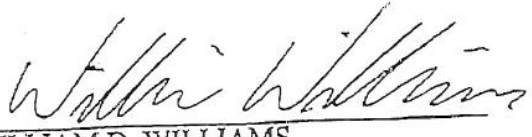
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Physical Therapist. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board.

DATED: 6-26-07


WILLIAM D. WILLIAMS
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board.

DATED: 6-26-07

EDMUND G. BROWN JR., Attorney General
of the State of California

PAUL C. AMENT
Supervising Deputy Attorney General

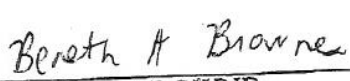

BENETH A. BROWNE
Deputy Attorney General
Attorneys for Complainant

Exhibit A
Accusation No. 1D 2005 64150

SACRAMENTO, CA

Dec 21, 2004

BY  ANALYST

1 BILL LOCKYER, Attorney General
of the State of California
2 PAUL AMENT, Supervising Deputy
Attorney General
3 BENETH A. BROWNE, State Bar No. 202679
Deputy Attorney General
4 California Department of Justice
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-7816
6 Facsimile: (213) 897-9395
E-mail: Beneth.Browne@doj.ca.gov

7 Attorneys for Complainant

9 **BEFORE THE**
10 **PHYSICAL THERAPY BOARD OF CALIFORNIA**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 WILLIAM D. WILLIAMS

14 58 18th Street
Hermosa Beach, California 90254

15 Physical Therapist No. PT 29643

16 Respondent.

Case No. 1D 2005 64150

OAH No.

ACCUSATION

18
19 Complainant alleges:

20 PARTIES

21 1. Steven K. Hartzell (Complainant) brings this Accusation solely in
22 his official capacity as the Executive Officer of the Physical Therapy Board of California,
23 Department of Consumer Affairs.

24 2. On or about August 17, 2004, the Physical Therapy Board of
25 California issued Physical Therapist License Number PT 29643 to William D. Williams
26 (Respondent). The Physical Therapist license was in full force and effect at all times
27 relevant to the charges brought herein and will expire on October 31, 2007, unless
28 renewed.

JURISDICTION

3. This Accusation is brought before the Physical Therapy Board of California (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 498 of the Code states:

"A board may revoke, suspend, or otherwise restrict a license on the ground that the licensee secured the license by fraud, deceit, or knowing misrepresentation of a material fact or by knowingly omitting to state a material fact."

5. Section 125.3 of the Code provides, in pertinent part, that the Executive Officer may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

6. Section 475 of the Code states:

"(a) Notwithstanding any other provisions of this code, the provisions of this division shall govern the denial of licenses on the grounds of:

"(1) Knowingly making a false statement of material fact, or knowingly omitting to state a material fact, in an application for a license.

"(2) Conviction of a crime.

"(3) Commission of any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another.

"(4) Commission of any act which, if done by a licensee of the business or profession in question, would be grounds for suspension or revocation of license.

"(b) Notwithstanding any other provisions of this code, the provisions of this division shall govern the suspension and revocation of licenses on grounds specified in paragraphs (1) and (2) of subdivision (a) .

"(c) A license shall not be denied, suspended, or revoked on the grounds of a lack of good moral character or any similar ground relating to an applicant's character,

1 reputation, personality, or habits."

2 7. Section 480 states, in pertinent part:

3 "(a) A board may deny a license regulated by this code on the grounds that
4 the applicant has one of the following:

5 "(1) Been convicted of a crime. A conviction within the meaning of this
6 section means a plea or verdict of guilty or a conviction following a plea of nolo
7 contendere. Any action which a board is permitted to take following the establishment of
8 a conviction may be taken when the time for appeal has elapsed, or the judgment of
9 conviction has been affirmed on appeal, or when an order granting probation is made
10 suspending the imposition of sentence, irrespective of a subsequent order under the
11 provisions of Section 1203.4 of the Penal Code.

12 "(2) Done any act involving dishonesty, fraud or deceit with the intent to
13 substantially benefit himself or another, or substantially injure another; or

14 "(3) Done any act which if done by a licentiate of the business or profession
15 in question, would be grounds for suspension or revocation of license.

16 "The board may deny a license pursuant to this subdivision only if the
17 crime or act is substantially related to the qualifications, functions or duties of the business
18 or profession for which application is made.

19

20 "(c) A board may deny a license regulated by this code on the ground that
21 the applicant knowingly made a false statement of fact required to be revealed in the
22 application for such license."

23 8. Section 2660 of the Code states:

24 "The board may, after the conduct of appropriate proceedings under the
25 Administrative Procedure Act, suspend for not more than 12 months, or revoke, or impose
26 probationary conditions upon any license, certificate, or approval issued under this chapter
27 for unprofessional conduct that includes, but is not limited to, one or any combination of
28 the following causes:

1 ...
2 "(b) Fraud in the procurement of any license under this chapter.

3 ...
4 "(l) The commission of any fraudulent, dishonest, or corrupt act which is
5 substantially related to the qualifications, functions, or duties of a physical
6 therapist or physical therapy assistant."

7 COST RECOVERY

8 9. Section 2661.5 of the Code provides, in pertinent part, that the
9 board may request the administrative law judge to direct any licentiate found guilty of
10 unprofessional conduct to pay a sum not to exceed the actual and reasonable costs of
11 investigation and prosecution of the case.

12 FIRST CAUSE FOR DISCIPLINE

13 (Fraud in Procuring License)

14 10. Respondent is subject to disciplinary action under sections 498, 475,
15 480, and 2660, subdivision (b), in that Respondent certified in his Application for Physical
16 Therapist Examination and/or Licensure that he had never been convicted of, or pled nolo
17 contendere to, any offense in any state in the United States or a foreign country, when, in
18 fact, he had been convicted of criminal offenses in South Dakota. The circumstances are
19 as follows:

20 11. Respondent sought to become a licensed physical therapist in
21 California. He completed his Application for Physical Therapist Examination and/or
22 licensure to do this. The application, at question 18, asked Respondent: "Have you ever
23 been convicted of, or pled nolo contendere to any offense in any state in the United States
24 or a foreign country?" Respondent checked the box indicating "No." On May 13, 2004,
25 Respondent signed his Application for Physical Therapist Examination and/or licensure,
26 affirming under penalty of perjury, that the contents of his application were true.

27 12. However, on or about August 3, 1998, in a criminal proceeding
28 entitled *State of South Dakota v. William D. Williams* in Brookings Superior Court, Case

1 Number 98-0340, Respondent was convicted of violating South Dakota Codified Law
2 section 22-35-5, criminal trespass (entering or remaining in a building when not
3 authorized) and South Dakota Codified Law section 35-9-2 (consumption/ possession of
4 alcoholic beverages by a minor). For criminal trespass, Respondent was ordered to pay a
5 fine and costs and to serve 30 days of jail time. For consumption/possession of alcoholic
6 beverages by a minor, Respondent was ordered to pay a fine and costs and serve 5 days of
7 jail time. All jail time imposed was suspended on the condition that Respondent pay the
8 fines and costs and obey the law for a period of one year.

9 13. By checking the box marked "No," Respondent knowingly
10 misrepresented his criminal history, which the application required him to reveal. By
11 Respondent's checking the box indicating "No," and thereafter submitting his application
12 to the Board, Respondent secured his license by fraud, deceit, or knowing
13 misrepresentation of a material fact or by knowingly omitting to state a material fact.

14 SECOND CAUSE FOR DISCIPLINE

15 (Dishonesty Substantially Related to Qualifications of Physical Therapist)

16 14. By reason of the matters alleged in paragraphs 10 through 13,
17 Respondent is subject to disciplinary action under sections 498, 475, 480, and 2660,
18 subdivision (l), of the Code in that Respondent committed a fraudulent or dishonest act
19 substantially related to the qualifications of a physical therapist.

20 PRAYER


21 WHEREFORE, Complainant requests that a hearing be held on the matters
22 herein alleged, and that following the hearing, the Physical Therapy Board of California
23 issue a decision:

- 24 1. Revoking or suspending Physical Therapist Number PT 29643,
25 issued to Respondent.
- 26 2. Ordering Respondent to pay the Physical Therapy Board of
27 California the reasonable costs of the investigation and enforcement of this case, pursuant
28 to Business and Professions Code section 2661.5;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

3. Taking such other and further action as deemed necessary and proper.

DATED: December 21, 2006


STEVEN K. HARTZELL
Executive Officer
Physical Therapy Board of California
Department of Consumer Affairs
State of California
Complainant

LA2006500822

50116585.wpd

Exhibit B
Public Reproval

Public Repeval

Respondent's California Physical Therapy License No. PT 29643 is publicly reprovod under Business and Professions Code sections 498, 475, 480, and 2660, subdivisions (b) and (l) for violating Business and Professions Code sections 2660, subdivisions (b) and (l), in that Respondent secured his license by knowingly misrepresenting his criminal history, a dishonest act substantially related to the qualifications of a physical therapist.